UNITED NATIONS

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General Assembly

Distr.
GENERAL

A/48/93
26 February 1993
ENGLISH
ORIGINAL: SPANISH

Forty-eighth session
Item 115 of the preliminary list*

HUMAN RIGHTS QUESTIONS

Letter dated 26 February 1993 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General

I have the honour to enclose the text of a resolution concerning the promotion of respect for human rights adopted on Monday, 22 February 1993, by the Democratic Constituent Congress of Peru (see annex).

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly under item 115 of the preliminary list.

(Signed) Fernando GUILLEN
Ambassador
Permanent Representative of Peru
to the United Nations

* A/48/50.

ANNEX

Resolution of the Democratic Constituent Congress of Peru on human rights

(Lima, 22 February 1993)

"The undersigned Members of Congress:

Propose the adoption of the following resolution:

'The Congress resolves:

To declare that there is no systematic violation of human rights in Peru as a consequence of government policy and to repudiate any campaign aimed at spreading false ideas about the actual conditions obtaining in the country;

To pledge that it will responsibly investigate any human rights violations that have occurred in the country in the past or that may occur with a view to the punishment of the perpetrators of such violations by the appropriate judicial authorities;

To declare that it will take steps to review, amend or repeal, as appropriate, any provisions enacted by other authorities that may constitute infringements of other human rights recognized in the Constitution of Peru and international agreements for the protection of the human person to which Peru is a party;

To issue this resolution as a parliamentary document and to publicize it widely both inside Peru and abroad.'"

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UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/48/94
2 March 1993
ENGLISH
ORIGINAL: SPANISH

Forty-eighth session
Items 79, 80, 96, 109 and 115
of the preliminary list*

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

MAINTENANCE OF INTERNATIONAL SECURITY

INTERNATIONAL COOPERATION FOR ECONOMIC GROWTH AND DEVELOPMENT

RIGHT OF PEOPLES TO SELF-DETERMINATION

HUMAN RIGHTS QUESTIONS

Letter dated 25 February 1993 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the statement entitled "Reaction of the Government of Equatorial Guinea to the recent statement by the Minister for Foreign Affairs of the Kingdom of Spain, His Excellency Mr. Javier Solana, to the plenary Congress of Deputies of his country" (see annex), in blatant violation of the principles of sovereign equality, mutual respect, non-interference and self-determination of peoples, which principles are, as is well known, embodied in Articles 1, 2 and 33 of the Charter of the United Nations.

I should be grateful if you would have this statement circulated to all Member States and observers as an official document of the General Assembly under items 79, 80, 96, 109 and 115 of the preliminary list.

(Signed) Dr. Damaso Oriang NDONG
Ambassador
Permanent Representative

* A/48/50.

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ANNEX

Reaction of the Government of Equatorial Guinea to the recent statement by the Minister for Foreign Affairs of the Kingdom of Spain, His Excellency Mr. Javier Solana, to the plenary Congress of Deputies of his country

Malabo, 19 February 1993

The remarks made on 18 February to the Congress of Deputies of the Kingdom of Spain by the Minister for Foreign Affairs, Mr. Javier Solana, concerning the status of that country's cooperation with Equatorial Guinea, which have come to the attention of my Government, are such that the Ministry of Foreign Affairs and Relations with French-speaking Countries feels constrained to express, on behalf of the Government of Equatorial Guinea, its strongest rejection of the assertions that have been made and its view that they are entirely trumped up and represent an intentional distortion of the true facts, either with the aim of once again poisoning Spanish and world public opinion about Equatorial Guinea or putting forward artful justifications for a policy of hostility which the Spanish Government has adopted as the standard for its relations with our country.

We base our rejection and protest on the following points in Mr. Solana's statement which, in our view, constitutes a deliberate misrepresentation of the facts, when everyone is perfectly aware of what has happened. We believe that intellectual honesty requires all those involved in foreign policy to stick to the facts, as they have occurred, so that the honourable members of Spain's Congress of Deputies are not the victims of a disrespectful deception and may learn what is happening in Equatorial Guinea.

(a) Mr. Solana has painted a completely distorted picture of the events of 17 December 1992, when he states only that Mr. Celestino Bacale, a teacher, was arrested because he belonged to the opposition, when it is known that the arrest of Mr. Bacale was made in response to a complaint lodged by Mr. Alfonso Nsue Mekuy, President of the Democratic Liberal Convention Party, to the effect that Mr. Bacale had made death threats against him. Mr. Solana knows that the authorities of Equatorial Guinea did not surround the Institute but rather attempted to negotiate with the teachers (oddly enough, only those paid by the Spanish Cooperation Agency) who sympathized with Celestino Bacale and went on strike.

Everyone knows - and we are surprised by Mr. Solana's voluntary amnesia in this respect - that the students of the Institute were incited to participate in the demonstration on 17 December, manipulated by the same striking teachers and others with hidden agendas. It is well known - although Mr. Solana preferred that the Congress of Deputies should not know it - that there was no crossing guard supervising the students on that day and that the idea of attacking the market was suggested to the innocent students at the assembly point for the demonstration. The Minister for Foreign Affairs knows

that the students began to loot and destroy stalls in the market and that the security forces arrived within minutes, having been alerted by a citizen. The Minister for Foreign Affairs preferred not to tell the Congress of Deputies that, as a result of these acts of vandalism which the students were goaded into committing in the public market of Malabo, various traders, nationals and foreigners alike, sustained losses which, given their modest means, constitutes a serious set-back for them. There is no doubt that had the security forces not intervened we would today be mourning the loss of human life. Why has the Minister for Foreign Affairs not said anything about the fact that the Government has publicly criticized the excesses committed by the police, of which it was informed only after some time had gone by, has expressed regret that the excesses occurred and has taken steps to prevent any recurrence?

Who benefits from this absurd manipulation of the facts concerning events which occurred in broad daylight, before the eyes of thousands of witnesses?

(b) We do not consider it objective that, in reporting on the visit to Equatorial Guinea by Spain's Under-Secretary for Foreign Affairs, Mr. Solana cared to tell the honourable members of the Congress of Deputies only what the Under-Secretary had said to the Government and preferred to make no mention whatsoever of the points which the Government of Equatorial Guinea had raised with the Under-Secretary for the information of the Government of Spain and which we believe would have been extremely helpful in giving the deputies a clearer picture of some aspects of the problem of our bilateral relations. Is it that the Under-Secretary did not accurately report to his Minister the points raised by the Government of Equatorial Guinea? We do not believe that a delegation which came "for the purpose of discussing frankly with the Equatorial Guinea side all aspects of our bilateral cooperation and seeking ways of solving the problems which might hamper the smooth operation of such cooperation", in the words of the Under-Secretary - who had discussions with an Equatorial Guinea commission headed by a Deputy Prime Minister and made up of a Minister of State, the Minister and Minister-Delegate for Foreign Affairs, a Presidential Adviser and an Ambassador, and which held two working sessions lasting more than four hours, and who was subsequently received by the President of the Republic of Equatorial Guinea, with whom he conversed for more than one hour - would have provided Mr. Solana with only a few words, some vague indications, which shed no light on the issue and which did not afford the members of Congress an opportunity to learn what is going on in Equatorial Guinea. Or does the socialist Government have some hidden interest in seeing to it that the honourable deputies continue to learn about Equatorial Guinea only what they want them to know?

(c) It is surprising that Mr. Solana should speak of the Government's willingness to cooperate with Equatorial Guinea, when in disregard for the estimates of the Framework Plan his Government has unilaterally been reducing cooperation to a minimum, to the point where, during the Under-Secretary's visit, two programmes, specifically in the area of education, were suspended,

once again unilaterally. In the Minister's reference to conduct on the part of the Government of Equatorial Guinea which had rendered the continuation of the programmes "impracticable", we see the affirmation of a policy of interference in the internal affairs of Equatorial Guinea, which is ultimately the standard of conduct by the Spanish Government, since the reason why the programmes are "impracticable" is that the Government of Equatorial Guinea wishes to ensure political purity in educational establishments so that they do not become a place for machinations and manipulation distracting students from their academic duties and that the Government disagrees with the encouragement of violence which is beginning to take place in such establishments. The Minister for Foreign Affairs did not tell the honourable deputies that some teaching assistants were encouraged by cooperation personnel to proclaim that they would not obey the authorities of their ministry because they were paid by the Spanish Cooperation Agency and not by the Government of Equatorial Guinea. We regret to have to point out that, in keeping with the wishes of the socialist Government, solely because it does not want to recognize the legitimate Government of Equatorial Guinea, the first such Government in the 1980s, Spanish cooperation is dwindling day by day, while the Spanish authorities responsible for the conduct of such cooperation create obstacles, take arbitrary decisions and disregard all the supervisory mechanisms established by the two Governments, such as the Mixed Commission, to which Equatorial Guinea has appealed on numerous occasions, to no avail. In addition, with the aim of throwing some light on how much Spanish cooperation Equatorial Guinea actually receives, the Government of Malabo has sought the involvement of Spain's Court of Audit in assessing, jointly with an Equatorial Guinea commission, the real impact of Spanish cooperation in Equatorial Guinea, but this, too, has been to no avail.

The Government of Equatorial Guinea believes that if the socialist Government ever had a desire for cooperation and cordiality in its relations with the Government that holds office today in our country, that desire has disappeared, given the fact that the more Malabo reaffirms its willingness to maintain and strengthen the centuries-old bonds of friendship and cooperation with the Kingdom of Spain, the more expressions of rejection and hostility it receives from the Spanish side.

The tangible proof of this hostile behaviour and this policy of interference is the kind of statements which the Spanish Minister for Foreign Affairs has been making, at a time when in Malabo, the Government and the political opposition, acting like good sons of Equatorial Guinea, are sitting together at the same table to discuss as brothers the pluralistic political future of the country, the clear aim of which is to distract attention from the serious work which is being carried out and to plunge the parties once again into sterile disputes.

We believe - and the people of Equatorial Guinea are finding this out - that such an attitude is unworthy of a Government which is called by history to foster harmony and understanding between individuals in the two countries and between the two Governments, and to help Equatorial Guinea successfully to

keep its rendezvous with history at this time of profound change in the country's social and political life.

The Government of Equatorial Guinea remains convinced, however, of the durability of the ties which bind it to Spain, remains convinced of the historical duty of all those serving in the Governments of the two countries to work to maintain and strengthen those ties, and is confident that the socialist Government will come to understand this truth and to work more openly and with greater political honesty and respect in its relations with Equatorial Guinea, the only country on the African continent which has a Hispanic tradition and the only country among the Hispanic nations to which Spain lawfully transferred sovereignty.

(d) In the light of the foregoing, we wonder whether Spain, because of the stubbornness of a few government leaders, who are continually stirring up trouble and causing harm to a people and Government which, on the strength of a shared history, should be friends, will not once again be facing a new breakdown of its relations with Equatorial Guinea.

We do not know what explanation the Spanish Government gives to the honourable deputies when it fails to inform them of the sustained and persistent efforts which the Government of Obiang Nguema Mbasogo has made and is continuing to make so that relations between the two countries can be as good as they should be. When the change of political regime occurred in Equatorial Guinea on 3 August 1979, the chief protagonist, His Excellency Obiang Nguema Mbasogo, sought the support of the Spanish Government in achieving that end. To the surprise and frustration of the young military personnel of that time, who had blind faith in the former colonial Power, which they considered the "mother country", the Spanish Government of the day denied them any support on the pretext that it "did not want to be accused of interference". It is odd that only a few years later such interference has become the main feature of Spain's policy in Equatorial Guinea.

(e) As soon as the "Freedom Coup" had taken place and in spite of the Spanish Government's initial refusal to support the action undertaken by Equatorial Guinea's armed forces to end the dictatorship, Obiang Nguema Mbasogo reiterated his request for a Spanish military force in Equatorial Guinea to maintain security, which was still precarious, and preserve order. The Spanish Government of the day once again refused to come to the aid of those who none the less continued to believe in Spain.

(f) All this was followed by an unending succession of offers on the part of Equatorial Guinea and refusals on the part of the Spanish authorities; the support of the Spanish peseta was sought for the shaky local currency, the ekuele, which had been weakened by mismanagement and the economic débâcle caused by the dictatorship was responsible, and once again support was refused. Support was requested from the private sector in Spain to revive Equatorial Guinea's economy, which had been destroyed during 10 years of stagnation and economic drift under the dictatorship, and once again the Spanish Government showed itself to be unwilling to assume its responsibilities.

(g) It is odd to note such contradictory positions within the same system. Twelve years ago, Spain did not want to interfere in the domestic affairs of Equatorial Guinea when its involvement was sought by the authorities in office at the time. Today, without anyone asking it to do so, the Spanish Government has set itself up as the gendarme or guardía civil which, as during the colonial period, seeks to dictate to the country's legally constituted authorities how they should think and how they should act. Spain, which granted independence to Equatorial Guinea in 1968, seems today, in line with the intentions of its socialist Government, to want to impose on Equatorial Guinea another colonialism, with a multiparty system attuned to the wishes of others than the people of Equatorial Guinea.

(h) A succession of failures, a history filled with hope which seems to have no end. Was it not the internal struggles of the former regime in Spain which gave rise to the hateful dictatorship that lasted 11 interminable years? Spain did not prepare an elite which was capable of managing the future of the new sovereign country. And the inevitable happened: the monstrous Maciás. As a result, the decolonization process took place in tragic circumstances for the people of Equatorial Guinea. And this is the same experience which the socialist Government is attempting to repeat with a process of planned democratization. And the socialist Government appears to want relations between sovereign States to be based on its own ways, on the guile, moods and abrupt changes of a ruling class that suffers from a domination complex and delusions of grandeur. Such attitudes are what caused the incidents of 5 March 1969, which resulted in the mass exodus of Spaniards from Equatorial Guinea on Madrid's express orders. Is the aim for history to repeat itself?

(i) However, in spite of this long succession of frustrated attempts at better relations and rejections, the Government and people of Equatorial Guinea have kept alive their hope of cooperating with Spain.

(j) We will conclude with the warm and genuinely conciliatory words addressed by His Excellency Mr. Obiang Nguema Mbasogo to the President of the Spanish Government in his letter of 3 July 1992: "If such good will to cooperate and maintain relations of fraternal harmony exists on the part of Spain, then there should be none of the misunderstandings that are so detrimental to the higher interests that underlie the long-standing relationship between our two countries, all the more so because the values which we jointly share distinguish Equatorial Guinea from the rest of the countries of Africa."

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UNITED NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/48/95
S/25364
4 March 1993
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Forty-eighth session
Item 18 of the preliminary list*
IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SECURITY COUNCIL
Forty-eighth year

Letter dated 4 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Algeria to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the position of my country, as an observer State to the process of settling the conflict in Western Sahara, following the adoption by the Security Council of resolution 809 (1993) (see annex).

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly, under item 18 of the preliminary list, and of the Security Council.

(Signed) Rabah HADID
Ambassador
Chargé d'affaires a.i.

* A/48/50.

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ANNEX

Position of Algeria, as an observer State to the settlement of the conflict in Western Sahara, following the adoption by the Security Council of resolution 809 (1993)

As an observer country to the process of settling the question of Western Sahara, Algeria has been involved at all stages in the development and implementation of the settlement plan and has made it a duty to lend its constant support to the process of the joint good offices of the Acting Chairman of the Organization of African Unity and the Secretary-General of the United Nations. It will continue to make its contribution towards the implementation of the full settlement plan as accepted by the two parties and unanimously approved by the Security Council.

Algeria consequently believes that all possible steps should be taken to create the conditions needed to hold a referendum on genuine self-determination which satisfies the United Nations imperative of credibility and which is such as to guarantee stability in the whole region.

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UNITED
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General Assembly Security Council

Distr.
GENERAL

A/48/95*
S/25364*
8 March 1993
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Forty-eighth session
Item 18 of the preliminary list**
IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SECURITY COUNCIL
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(Signed) Rabah HADID
Ambassador
Chargé d'affaires a.i.

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* Reissued for technical reasons.

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ANNEX

Position of Algeria, as an observer State to the settlement of the conflict in Western Sahara, following the adoption by the Security Council of resolution 809 (1993)

Algeria has taken note of the adoption on 2 March 1993 of Security Council resolution 809 (1993) on the question of Western Sahara, inviting the Secretary-General and his Special Representative to intensify their efforts with the parties in order to resolve the questions blocking the implementation of the Settlement Plan, in particular those relating to the interpretation and application of the criteria for voter eligibility.

In reaffirming its endorsement of the Settlement Plan established jointly by the United Nations and the Organization of African Unity, Algeria strongly hopes that the Kingdom of Morocco and the Frente Polisario will demonstrate the necessary will and cooperate in good faith in resolving those questions inasmuch as no viable solution is possible in the absence of agreement between the parties.

It wishes to recall that in accepting the 1988 settlement proposals as well as the Settlement Plan, the Kingdom of Morocco and the Frente Polisario had expressly given their agreement that the 1974 Spanish census should constitute the point of reference and the basis for identifying the Saharans eligible to participate in the referendum for self-determination. In that spirit, Algeria wishes to reiterate the position it stated on 26 December 1991 (S/23323) to the effect that the introduction of new elements not agreed to by both parties would be incompatible with the spirit and letter of the Settlement Plan and could jeopardize the process for settling the dispute concerning Western Sahara as originally conceived by the United Nations and accepted by both parties.

It expresses the hope that the Security Council, which has placed its seal of authority on the Settlement Plan by its resolutions 658 (1990) and 690 (1991), will continue to ensure that its integrity is preserved and that the Settlement Plan is not misconstrued either in content or purpose, namely the free exercise by the people of Western Sahara of its right to self-determination.

In that connection, Algeria cannot but note with regret the omission for the first time of any reference to the role of the Organization of African Unity in the organization and supervision of the referendum for self-determination in Western Sahara which was conceived precisely in the framework of their joint mission of good offices.

As an observer country to the process of settling the question of Western Sahara, Algeria has been involved at all stages in the development and implementation of the Settlement Plan and has made it a duty to lend its constant support to the process of the joint good offices of the Acting

Chairman of the Organization of African Unity and the Secretary-General of the United Nations. It will continue to make its contribution towards the implementation of the full Settlement Plan as accepted by the two parties and unanimously approved by the Security Council.

Algeria consequently believes that all possible steps should be taken to create the conditions needed to hold a referendum on genuine self-determination which satisfies the United Nations imperative of credibility and which is such as to guarantee stability in the whole region.

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